

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

FRANK SAPPELL,

Defendant.

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**MEMORANDUM OF
DECISION AND ORDER**

CR-16-0606 (ADS)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 03 2018 ★

LONG ISLAND OFFICE

APPEARANCES:

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By: J. Matthew Haggans
Assistant U.S. Attorney

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By: Brian J. Griffin, Esq.
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Of Counsel

LISA LANGONE
United States Probation Officer
United States Probation Department
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Central Islip, NY 11722

SPATT, District Judge.

This is an application for Restitution by an alleged victim of child pornography crimes of the defendant Frank Sappell. The victim is referred to as "Jenny".

On July 13, 2018, the attorneys for "Jenny" filed a voluminous application for restitution.

On July 25, 2018, the government submitted this restitution request on behalf of "Jenny" and made the following statement:

The government hereby submits the restitution request on behalf of "Jenny" for the Court's consideration. Jenny's counsel advised the government, in sum and substance, that they were notified of the defendant's possession of Jenny's images and/or videos at some point in the calendar year 2016.

The government takes no position on the timeliness of the submission on behalf of Jenny, received by the government on July 13, 2018, and supplemented on July 25, 2018, and respectfully requests that the Court impose restitution in the amount of \$5,000 in favor of Jenny, for the reasons set forth herein.

In response, in a letter dated August 2, 2018, defendant's counsel opposes the government's request and cites 18 U.S.C. §3664(d)(5). The defendant contends that the restitution request submitted on behalf of "Jenny" by her counsel and received on July 13, 2018, on the morning of the defendant's sentencing "is untimely and must be denied by this Court."

The defendant contends that the present request by "Jenny" is untimely because "the government concedes that counsel for "Jenny" was notified of the defendant's possession of relevant images and videos 'at some point during the calendar year 2016.'"

The Court further notes that the defendant does not deny that "Jenny" was one of the victims of the child pornography involved in this case.

The Court finds that the request by "Jenny" for restitution is not in violation of any statute of limitation or time barrier and is timely and valid.

Accordingly, the Court adds to the previous restitution order, the additional restitution to the victim "Jenny" in the sum of \$5,000.00.

SO ORDERED.

Dated: Central Islip, New York
August 3, 2018

s/ Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge